

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 27222 PERMIT 19350 LICENSE _____

**ORDER TO CORRECT THE DESCRIPTION
OF THE POINT OF DIVERSION AND
APPROVE A NEW DEVELOPMENT SCHEDULE**

WHEREAS:

1. Permit 19350 was issued to Frontier Land and Power on November 6, 1984 pursuant to Application 27222.
2. Permit 19350 was subsequently assigned to Lassen Station Hydroelectric Limited Partnership.
3. The description of the point of diversion is incorrect and should be corrected.
4. A petition for an extension of time within which to develop the project and apply the water to the proposed use has been filed with the State Water Resources Control Board.
5. The permittee has proceeded with diligence and good cause has been shown for said extension of time.

NOW, THEREFORE, IT IS ORDERED THAT:

1. Condition 2 of the permit be corrected to read:

Location of Point of Diversion:

North 500 feet and West 1,900 feet from the SE corner of projected Section 21, T23N, R5E, MDB&M; being within the SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section. Also described as California Coordinate System, Zone 2, North 787,800 and East 2,162,300. (0000002)

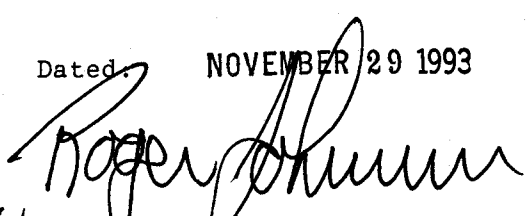
2. Condition 9 of the permit be amended to read:

COMPLETE APPLICATION OF THE
WATER TO THE PROPOSED USE
SHALL BE MADE ON OR BEFORE

December 31, 1993

(0000009)

Dated: **NOVEMBER 29 1993**


Edward C. Anton, Chief
Division of Water Rights

STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT 19350

Application 27222 of Frontier Land and Power (over)

P. O. Box 131, Taylorsville, California 95983

filed on February 26, 1982, has been approved by the State Water Resources Control Board SUBJECT TO VESTED RIGHTS and to the limitations and conditions of this Permit.

Permittee is hereby authorized to divert and use water as follows:

1. Source:

Tributary to:

Camp Creek North Fork Feather River

2. Location of point of diversion:	40-acre subdivision of public land survey or projection thereof	Section	Town- ship	Range	Base and Meridan
North 700 feet and West 1,900 feet from SE corner of Section 21	SW $\frac{1}{4}$ of SE $\frac{1}{4}$	23	23N	5E	MD

County of Butte

3. Purpose of use:	4. Place of use:	Section	Town- ship	Range	Base and Meridan	Acres
Power	NW $\frac{1}{4}$ of NE $\frac{1}{4}$	28	23N	5E	MD	

The place of use is shown on map filed with the State Water Resources Control Board.

P19350

7-10-86 asgd to Solar Research Corp.

9-17-92 asgd to: Lassen Station
Hydroelectric Limited Partnership.
apt # 27222 Pri: # 19350

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 30 cubic feet per second to be diverted from January 1 to December 31 of each year. (000005)
6. The amount authorized for appropriation may be reduced in the license if investigation warrants. (000006)
7. Construction work shall begin within two years of the date of this permit and shall thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted, this permit may be revoked. (000007)
8. Construction work shall be completed by December 1, 1987. (000008)
9. Complete application of the water to the authorized use shall be made by December 1, 1990. (000009)
10. Progress reports shall be submitted promptly by permittee when requested by the State Water Resources Control Board until license is issued. (000010)
11. Permittee shall allow representatives of the State Water Resources Control Board and other parties as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this permit. (000011)
12. Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.
- The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) to installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation. The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust. (000012)
13. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Resources Control Board if, after notice to the permittee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges. (000013)
14. This permit shall not be construed as conferring upon the permittee right of access to the point of diversion. (000022)

15. Permittee shall, prior to construction, file a Report of Waste Discharge pursuant to Water Code Section 13260 with the California Regional Water Quality Control Board, Central Valley Region, (Regional Board) and shall comply with all Waste Discharge Requirements issued by the Regional Board. If the Regional Board waives issuance of Waste Discharge Requirements, the permittee shall comply with Parts I and II of the "Guidelines for Protection of Water Quality During Construction and Operation of Small Hydro Projects" (Guidelines) as contained in the Water Quality Control Plans of the Central Valley Basin.

Specific requirements set forth in the permit shall prevail over any specific or general requirements in the referenced Guidelines in the event of conflict.

When complying with the Guidelines, pursuant to this condition, the permittee shall not commence construction until the Erosion Control Plan and any baseline data required by the Guidelines have been submitted to and approved in writing by the Regional Board; and before commencing sluicing operations, the permittee shall submit and receive written approval from the Regional Board of the Sluicing Operation Plan. (0000102)

16. Water diverted under this permit is for nonconsumptive uses and is to be released to Camp Creek within NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 28, T23N, R5E, MDB&M. (0000111)

17. All rights and privileges to appropriate water for power purposes under this permit and any subsequently issued license are subject to depletions resulting from future upstream appropriation for (a) domestic and (b) stockwatering uses within the watershed. Such rights and privileges may also be subject to future upstream appropriations for uses within the watershed other than domestic and stockwatering if and to the extent that the Board determines, pursuant to Water Code Sections 100 and 275, that the continued exercise of the appropriation for power purposes is unreasonable in light of such proposed uses. Any such determination shall be made only after notice to permittee or licensee of an application for any such future upstream appropriation and the opportunity to be heard; provided, that a hearing, if requested, may be consolidated with the hearing on such applications. (0001001)

18. No water shall be used under this permit until all necessary federal, state and local approvals have been obtained, including compliance with any applicable Federal Energy Regulatory Commission requirements. (0001001)

19. Permittee shall not disturb any identified archeological site during construction, operation, or maintenance of the project. If, during excavation work, items of archeological, historical or paleontological value are discovered, or a known deposit of such items is disturbed, then permittee shall cease excavation in the area and contact the Forest Service. Permittee shall not resume excavation until written approval is received from the Forest Service. (0380500)

20. To protect the aesthetic and scenic value of Camp Creek Falls, permittee shall not divert any amount greater than 30 cubic feet per second. A minimum instream flow release of 4 cubic feet per second or the natural streamflow, whichever is less shall be maintained at all times. (000400)

21. All streamflow releases shall be monitored by a continuous recording stream gage located immediately downstream from the point of diversion. Said recording gage shall be properly maintained by the permittee. The daily record of maximum and minimum flows shall be provided to the Department of Fish and Game annually by December 31 of each year for the preceeding October 1 - September 30 water year. (000500)

22. A fish screen acceptable to the Department of Fish and Game shall be installed on the intake structure and shall be properly maintained. (000500)

23. Permittee shall regularly consult with the Forest Service, U. S. Fish and Wildlife Service, the California Department of Fish and Game and other appropriate environmental agencies with regard to measures to insure continued protection and development of the natural resource values of the project area. (000500)

24. Permittee, in cooperation with the Forest Service, shall prepare a transportation plan to cover all roads serving the project. Said plan shall address reconstruction and erosion control needs, road standards, signing, road use by or closure to the public, the need for a road use permit and maintenance standards, schedules and responsibilities. The plan shall also include provisions for future transportation facilities which would affect, or be affected, by the project. Management needs for both the permittee and the Forest Service shall be included and coordinated in the plan. The plan shall be submitted to the Forest Service for approval prior to beginning of construction. (0000500)

25. Prior to construction, permittee shall prepare an erosion control plan in cooperation with the Forest Service. Said plan shall provide for the following: vegetation stabilization, drainage of road cuts and fills, and stabilization of road prisms and construction sites. Said plan shall include a schedule for completing the work within three years of permit issuance. (0000500)

26. Permittee shall, during the construction of the project, protect project water quality by incorporating Best Management Practices (Section 208, Public Law 92-500) and a Hazardous Substances Storage and Spill Prevention Control and Countermeasures Plan (40 CFR 112) into all applicable phases of construction. The adequacy of protection measures shall be determined by the Forest Service. (0000500)

27. Permittee shall, prior to commencing any construction or land disturbance, complete and file for Forest Service review and approval, the results of a cultural resource study of the project area. The study shall include measures to protect, preserve and mitigate cultural resources within and adjacent to the project area. The adequacy of cultural resource measures shall be determined by the Forest Service in accordance with the purpose and policies of the National Historic Preservation Act of 1966 (16 U.S.C., Section 470 et seq.), National Environmental Policy Act of 1969 (83 Stat. 852, 42 U.S.C. 4321, et seq.), and Executive Order 11593 dated May 23, 1971 (36 R.R. 9021), and shall follow procedures promulgated by the Advisory Council on Historical Preservation (36 C.F.R. 800). (0000500)

28. Permittee shall, within one year of the date of issuance of this permit, prepare a fire plan covering permittee's construction, operation and maintenance of facilities. The plan shall be prepared in consultation and cooperation with, and be approved by, the Forest Service and the California Division of Forestry.

The plan shall include but not be limited to the following:

- a. Planned prevention actions under specific fire danger conditions.
- b. Planned suppression action by permittee.
- c. Use of project lands and facilities by fire protection agencies to support fire suppression effort.
- d. Designation of the permittee's representatives and respective authorities.
- e. Availability of permittee's equipment and employees and procedures for their use. (0000700)

29. Permittee shall paint, or otherwise treat, all project facilities in such a manner as to blend the facilities into the immediate background. Painting or treatment shall be completed immediately after completion of project facilities. (0000500)

This permit is issued and permittee takes it subject to the following provisions of the Water Code:

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated: NOVEMBER 6 1984

STATE WATER RESOURCES CONTROL BOARD

Raymond Walsh
Chief, Division of Water Rights